Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Written submission from Ballingry Celtic Supporters Club

Following the events of football season 2010/11 and the apparent increase in sectarian related behaviour at certain football stadiums around the country and, in particular, the threats made to Celtic FC Manager Neil Lennon throughout that season, Ballingry CSC welcomes the principles behind the proposed legislation in the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill.

However, Ballingry CSC would suggest certain aspects of the Bill require further thought and clarity and ask the Justice Committee to consider the following issues.

Within the Bill, the parameters for both offensive and threatening behaviour are wide-ranging. For example, "offensive behaviour" includes almost anything perceived as being likely to incite public disorder - regardless of whether or not that actually happens. "Regulated football matches" includes matches being screened in public places. "Threatening behaviour" includes any communication (for example t-shirts, scarves and banners) "likely to cause a reasonable person fear or alarm".

Ballingry CSC is of the opinion that the widely framed definitions of offensive and threatening behaviour as contained in the Bill may result in a loose interpretation of such definitions by police officers, procurators fiscal and sentencers. A potential consequence of this may be the supporters of any football club finding themselves unwittingly vulnerable to prosecution. There is therefore a concern that the Scottish Government has seriously underestimated the impact of the legislation.

Examples are readily available to evidence the reasons for our concern on this issue. Criminal cases involving accused charged with singing sectarian songs relating to the IRA have been dismissed following submissions that led to the Sheriff ruling that the IRA was a "republican military organisation" that was "not sectarian in intent" and that those who showed support for the organisation were found not to be "showing 'malice or ill-will towards members of a religious group'", as defined under Section 74 of the Criminal Justice (Scotland) Act 2003. The definition of sectarianism in the new legislation appears to be virtually the same as that in the 2003 Act.

"Any communication likely to cause a reasonable person fear or alarm" could be described as a catch-all clause that threatens the liberty of some supporters who, due to the passions inspired by watching their team, could display behaviour that many people would consider unreasonable.

Strathclyde Police Assistant Chief Constable Campbell Corrigan has recently admitted that he could not publicly state which songs would get you arrested and that police would not be wading into a football crowd trying to take out large numbers of fans.
In conclusion, it is this ambiguity of the draft legislation that most concerns our membership – with the possibility of a law being introduced that you won’t know you’re breaking until the police arrest you for it.

Whilst Ballingry CSC welcome the underlying principles of the Bill in tackling offences aggravated by sectarianism, the Club call for much more clarity and definition on what constitutes a breach of the legislation - not only for the benefit of supporters, but for police, procurators fiscal and sentencers alike.

We trust the views of Ballingry CSC are considered by the Justice Committee during this consultation period.

Rodger Cassidy
Secretary, Ballingry Celtic Supporters Club.
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